

10-18-01

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JC867 U.S. PTO  
10/17/01

PATENT  
Attorney Docket No. BU9-99-055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAIL  
(37 CFR § 1.10)

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, EXPRESS MAIL, POST OFFICE TO ADDRESSEE" UNDER 37 CFR § 1.10, BEARING EXPRESS MAIL LABEL NO. EL 878196390 US, ON THIS 17TH DAY OF OCTOBER, 2001 AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

James M. Olsen  
(Printed name of person mailing paper)

*James M. Olsen*  
(Signature of person mailing paper)

In re Divisional Application of:

Andres BRYANT et al.

Serial No.: (Divisional of prior application  
Serial No. 09/425,394, filed October 22, 1999)

Filed: October 17, 2001

For: DISPOSABLE SPACER FOR  
SYMMETRIC AND ASYMMETRIC  
SCHOTTKY CONTACT TO SOI  
MOSFET

**PRIOR APPLICATION:**

Group Art Unit: 2823

Examiner: W. Coleman

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

**UTILITY PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

**APPLICATION ELEMENTS**

1. [X] Fee Transmittal Form (*Submit an original, and a duplicate for fee processing*)
2. [X] Specification [Total Pages 16]
3. [X] Formal Drawings (35 U.S.C. § 113) [Total Sheets 2]
4. [X] Oath or Declaration [Total Pages 5]

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Attorney Docket No. BU9-99-055 (21806\*142)

J1002 U.S. PTO  
09/978528  
10/17/01

- 100207032660
- a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)  
[Note Box 5 below]
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d) and 1.33(b).
  - 5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
  - 6. ☐ Microfiche Computer Program (Appendix)
  - 7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
    - a. ☐ Computer Readable Copy
    - b. ☐ Paper Copy (identical to computer copy)
    - c. ☐ Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

- 8. ☒ Assignment Papers previously filed in Serial No. 09/425,394, filed October 22, 1999. Assignment was to International Business Machines Corporation, and was duly recorded on October 22, 1999, at Reel/Frame 010338/0325 (copy provided). Application of this assignment to the present application is respectfully requested.
- 9. ☐ 37 C.F.R. § 3.73(b) Statement  
(when there is an assignee)
- 10. ☒ The power of attorney in the prior application is to at least one of the following:  
  
Rudolf E. Hutz, Reg. No. 22,397; Harold Pezzner, Reg. No. 22,112; Richard M. Beck, Reg. No. 22,580; Paul E. Crawford, Reg. No. 24,397; Burton A. Amernick, Reg. No. 24,852; Morris Liss, Reg. No. 24,510; Stanley B. Green, Reg. No. 24,351; George R. Pettit, Reg. No. 27,369; Patricia Smink Rogowski, Reg. No. 33,791; Robert G. McMorro, Jr., Reg. No. 30,962; Ashley I. Pezzner, Reg. No. 35,646;

William E. McShane, Reg. No. 32,707; Mary W. Bourke, Reg. No. 30,982; Gerard M. O'Rourke, Reg. No. 39,794; James M. Olsen, Reg. No. 40,408; Francis DiGiovanni, Reg. No. 37,310; Eric J. Evain, Reg. No. 42,517; Christine M. Hansen, Reg. No. 40,634; Daniel C. Mulveny, Reg. No. 45,897; Patrick H. Higgins, Reg. No. 39709; John A. Evans (Agent) 44,100; Elliot C. Mendelson (Agent), Reg. No. 42,878; Daniel J. Harbison, Reg. No. 47,631; Gary A. Bridge, Reg. No. 44,560; Thomas F. Poché, Reg. No. 45,017; Helena C. Rychlicki, Reg. No. 48,179; Patrick J. Wells, Reg. No. 46,355; Larry J. Hume, Reg. No. 44,163; Joseph Barrera, Reg. No. 44,522; all of CONNOLLY BOVE LODGE & HUTZ, LLP.

- a. ☒ The power appears in the original declaration and/or the Appointment of Associate Attorney filed in prior application Serial No. 09/425,394 (copy provided).
- b. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
11. ☐ English Translation Document (*if applicable*)
12. ☒ Information Disclosure Statement (IDS) / PTO-1449
- ☒ Copies of IDS citations were previously submitted in prior application Serial No. 09/425,394.
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (*Should be specifically itemized*)
15. ☐ Small Entity Statement(s) ☐ Statement filed in prior application, status still proper and desired
16. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
17. ☐ Other: \_\_\_\_\_
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**
- ☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)
- of prior application Serial No. 09/425,394, filed October 22, 1999.

19. **CORRESPONDENCE ADDRESS**

☐ *Customer Number or Bar Code Label*

(Insert Customer No. or Attach bar  
code label here)

*or*

☒ *Please address all correspondence address below*

CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. Box 2207  
Wilmington, Delaware 19899, U.S.A.  
Telephone: (302) 658-9141  
Fax: (302) 658-5614

**PETITION FOR EXTENSION:** If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No.09/425,394, filed October 22, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to IBM Corporation Deposit Account No. 09-0456. A duplicate copy of this paper is enclosed for use in charging the deposit account.

If there are any other fees due in connection with the filing of this response, please charge the fees to IBM Corporation Deposit Account No. 09-0456. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to this Deposit Account.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

Dated: October 17, 2001

By: \_\_\_\_\_

James M. Olsen  
Reg. No. 40,408